



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0119
(916) 319-2096
FAX (916) 319-2196

Assembly
California Legislature

ASSEMBLY COMMITTEE ON
WATER, PARKS AND WILDLIFE

JARED HUFFMAN
CHAIR

March 2, 2010

2010-00004
Delta Stewardship Council
Correspondence 2010-00004

RECEIVED
CALIFORNIA DELTA AUTHORITY
MAIL ROOM
2010 MAR -4 PM 3:20

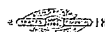
Lester A. Snow, Secretary
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Snow:

The creation of the Delta Stewardship Council (DSC) was one of the centerpieces of last year's historic water legislation and reflected a point of consensus among most stakeholders as well as the Governor's Blue Ribbon Task Force: a new, independent governance entity was needed because the existing mechanisms for making policy and governance decisions affecting the Delta lacked transparency, accountability, and independent science, and as such were inadequate to achieve the co-equal goals of restoring the Delta ecosystem and providing a reliable water supply for California.

Indeed, one of the central points of creating the DSC was to take key decisions that are currently the responsibility of existing agencies, including the Department of Water Resources (DWR), and to invest those decisions in a body carefully constituted for balancing broad competing interests and ensuring that the co-equal goals are met. Toward that end, SB 17X specifically empowers the DSC to choose its own chair, executive officer, and staff to assist the council in carrying out its most critical immediate task: crafting a Comprehensive Delta Plan.

As you know, DSC members have yet to be named or confirmed. However, in recent weeks DWR has taken it upon itself to start the process of soliciting and hiring consultants on behalf of the DSC. In addition, in the temporary vacuum created by the fact that DSC members have yet to be named and confirmed, the administration is apparently directing former CALFED Bay-Delta Authority staff, who were transferred by the legislation to the DSC, to move forward with DSC decisions. It is my understanding that last month, DWR issued a Request for Qualifications on a Project Director and Project Manager for the Delta Plan. That RFQ, which closed last week, references a "Delta Plan Team" consisting of DWR engineers and DSC "Executive Staff" that will begin reviewing applicants. Needless to say, the unformed DSC has had no input into this process. And yet, according to the proposed timelines in the solicitation, the "team" is currently reviewing applications and will be holding interviews this week. Also troubling is the fact that one of the principal requirements of the solicitation is that the Project Director or Project Manager must be a licensed civil engineer, thus foreclosing the possibility that the DSC might wish to consider applicants with different backgrounds and professional qualifications to oversee plan development. It is debatable whether restricting key consulting positions to licensed engineers is appropriate, but it should be beyond debate that such decisions must be made by the DSC, not DWR.



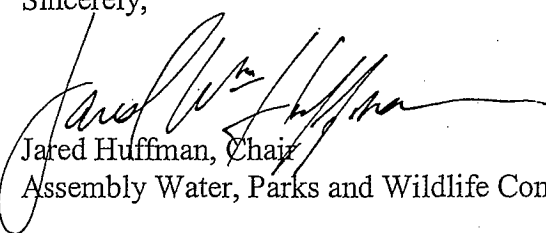
The inappropriateness of these actions is not cured – rather, it is underscored -- by the solicitation's inclusion of one proposed day of review by the as-yet-unnamed DSC members, particularly since the schedule calls for this token review to occur in about a week – well before DSC members could be confirmed, even if a quorum of the DSC has been named by then.

Many stakeholders throughout California are hopeful that the DSC, and the Delta Plan it will soon develop, will provide a viable path forward to address vexing challenges in the Delta. I appreciate and share the administration's desire to move forward expeditiously with development of the Delta Plan, but we must also carefully protect the credibility and independence of the DSC. The success of this new governance and planning framework is too important to allow one agency's perspective to dominate it or to allow the administration to preemptively make decisions for the DSC in contravention of both the letter and spirit of SB 17X. Simply put, the DSC must be allowed to constitute itself and control its own work instead of being asked to begin with a consulting team, staff and executive officer all hand-picked by DWR and the administration. Stacking the deck in this manner would undermine the credibility of the DSC's work before it has even begun.

For these reasons, I am requesting your assurance that DWR will suspend its current efforts to preemptively influence the DSC planning process, and that the administration will likewise rescind any premature DSC staffing designations and other actions that presuppose how the DSC will choose to proceed. These corrective actions are essential to ensure that the unformed DSC will start its work with the independence and credibility the legislature intended it to have.

I look forward to hearing from you.

Sincerely,



Jared Huffman, Chair
Assembly Water, Parks and Wildlife Committee

JH/tcl

cc: Honorable Darrell Steinberg, President pro Tem of the Senate
Honorable Fran Pavley, Chair, Senate Natural Resources and Water Committee
Mark Cowin, Director, Department of Water Resources
Joe Grindstaff, Acting Executive Officer, Delta Stewardship Council